

Farmland Preservation Zoning FAQ's:

Q: How was the Farmland Preservation Area Map determined?

A: The preservation areas were developed using a Land Evaluation and Site Assessment system, known as LESA. LESA evaluates land; i.e. soils for suitability of growing crops (100 points) and evaluates the sites' location from development, sewer and water, transportation, parcel size, etc. (80 points). The various factors are scored for each contiguous ownership parcel. Parcels scoring greater than 117 were considered to have potential for long term agriculture. Agriculture is broad and can include crops, pasture, and trees. Town plans were also used to determine if a parcel was eligible to be in the farmland preservation area. If a town plan designated an area for potential development in the next 15 years the parcels in that area could not be eligible regardless of LESA score.

Q: What makes some Towns eligible for Farmland Preservation /Agriculture Zoning while other towns are not eligible? [Countywide Farmland Preservation Plan Map](#) *Note: the mapped green areas are those eligible for Farmland Preservation Zoning.

A: According to the State Department of Agriculture, Trade, and Consumer Protection (DATCP), counties must use the Town plans to determine eligibility. If a Town plan supports and expects development in the next 15 years, then those towns, parcels, and land could not be eligible for Farmland Preservation regardless of the quality and suitability of the land.

Q: If the county's Farmland Preservation Plan does not identify my land as being targeted for preservation can I receive any of the financial benefits of the program?

A: No. Your land must be identified on the county's farmland preservation plan map as being targeted for preservation in order to receive any of the financial benefits available to you through the state farmland preservation program. (Note that as long as your land is still considered agricultural for assessment purposes, you should still be eligible for "use value assessment," regardless of how your property is depicted on the farmland preservation plan map.)

Q: What happens to an eligible Town if it decides not to participate in Farmland Preservation Zoning?

A: All lands, currently zoned Exclusive Ag or Agriculture-II, would become Rural Residential (currently known as Agricultural Residential, or Ag-Res). Eligible lands are still able to petition the state for an Agricultural Enterprise Area (AEA) regardless of the Town's decision to adopt Farmland Preservation Zoning.

Q: Will the current Agricultural Residential (Ag-Res) district be amended as well?

A: During this comprehensive revision, there is only one significant change taking place within the Ag-Res district. There is a proposed name change from "Agricultural-Residential" to "Rural Residential" to better align with the development of rural, large-lot residential subdivisions locating within the unincorporated Ag-Res zoned areas of the county. A second comprehensive revision, beginning in 2014, will have more significant changes to the Ag-Res district. When the time comes to start that revision, the county will actively seek out town and public input.

Q: What is an AEA and what are the requirements for establishment?

A: An Agricultural Enterprise Area (AEA) is a contiguous land area devoted primarily to agricultural use, and locally targeted for agricultural preservation and development. The designation of an AEA by the state is based on a voluntary local application. An AEA can be established by doing the following:

- Voluntary participation of county and local governments
- Located in a farmland preservation area
- Primarily in agricultural use
- Participation of at least 5 farm owners
- Contiguous land area
- State approval

Q: What happens after the County Board adopts the new Farmland Preservation Agricultural Zoning districts?

A: Once the County adopts the new Agricultural zoning districts, scheduled for September 2013, the existing Exclusive Agriculture and Agriculture II districts remain in effect for up to one additional year, or until one of the following three things occurs on a Town by Town basis:

1. Adopt the revised County zoning
2. Adopt their own zoning, or
3. Do nothing and become unzoned

Q: What is all this talk of ‘comprehensive revision’? What does that mean to the Towns and its residents?

A: Due to the numerous and substantial changes involved in this zoning ordinance rewrite and corresponding zoning map, the County is considering it a “comprehensive revision.” It can also be described as a “county-initiated” rezoning. Following the same procedures for adopting a zoning ordinance, the community may repeal the old ordinance and adopt the new one. Because town approval of a county zoning ordinance is required, Towns may “opt out” of county zoning during a comprehensive revision. Once the new Farmland Preservation Zoning districts are adopted, planned for September 2013, the one year clock starts for Towns to decide to adopt the revised County zoning, adopt their own zoning, or do nothing and become unzoned.

Q: How will the new Farmland Preservation/Agriculture Zoning districts differ from the existing Agriculture Zoning districts?

A: Based on the certified Farmland Preservation Plan and the county’s Comprehensive Plan, the proposed districts are designed to:

- Allow for increased flexibility of land uses to supplement and add value to the existing farm, as well as provide goods and services to support the existing local agricultural community
- Continue to invest in the existing fabric and agricultural infrastructure of the county and region
- Maintain state certification in order for farmers to continue to collect tax credits
- Allow for division of lots based on density vs. large minimum lot sizes

Q: Can land within certified Farmland Preservation Zoning districts be rezoned out at a later time?

A: Farmland Preservation plans and zoning are valid for 10 years. However, a local government may still rezone land out of a Farmland Preservation Zoning district certified under a Farmland Preservation Zoning ordinance. The local government must show that the rezoned land is better suited for another use, and that this use is reasonably consistent with the local Comprehensive Plan and the certified county Farmland Preservation Plan. The rezoning may not impair or limit agricultural use of surrounding land zoned or legally restricted to agricultural use. Local governments must annually report to the DATCP the total acres rezoned during the preceding year.